

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION**

UNITED STATES OF AMERICA,

VS.

CRIMINAL ACTION NO. 1:07CR176-P-D

**STEPHEN FINCH and PETER
BERNEGGER,**

DEFENDANTS.

ORDER CONTINUING TRIAL

This matter comes before the court upon Defendant Peter Finch's motion to continue trial [82]. After due consideration of the motion, the court finds as follows, to-wit:

Trial is currently set for May 18, 2009. Defense counsel requests a continuance to afford more time to allow Mr. Finch to undergo chemotherapy and radiation treatments and to attempt to recover enough to stand trial. The Government has no objection to the continuance.

The above circumstances enable the Court to exclude, pursuant to 18 U.S.C. section 3161(h)(8)(A), the period of delay from May 18, 2009 until the new trial date to be set in this matter. The time is excludable under subsection (h)(8)(A) because, given the circumstances described above, a continuance is necessary to afford the defendant more time to prepare and stand trial. As such, the ends of justice served by the granting of this continuance outweigh the best interests of the public and the defendant in a speedy trial. The time is also excludable as to Defendant Finch's co-defendant, Peter Bernegger, pursuant to 18 U.S.C. section 3161(h)(7) because the period of delay is reasonable and no motion for severance has been granted.

IT IS THEREFORE ORDERED AND ADJUDGED that:

- (1) Defendant Peter Finch's motion to continue trial [82] is **GRANTED**;
- (2) Trial of this matter is continued **as to both defendants** until Monday, July 27, 2009 at

9:00 a.m. in the United States Courthouse in Greenville, Mississippi;

(3) The delay from May 18, 2009 to July 27, 2009 is excluded from Speedy Trial Act considerations as set out above;

(4) The deadline for filing pretrial motions is July 6, 2009; and

(5) The deadline for submitting a plea agreement is July 13, 2009.

SO ORDERED this the 28th day of April, A.D., 2009.

/s/ W. Allen Pepper, Jr.
W. ALLEN PEPPER, JR.
UNITED STATES DISTRICT JUDGE